



INTERNATIONAL WAXES, INC.

45 Route 446, Smethport, PA 16749 · (814) 887-5501 · Fax (814) 887-4049

November 14, 2018

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Mr. Griff Miller (3LC20)

Project Manager

United States Environmental Protection Agency

Region III - Mid-Atlantic Region

1650 Arch Street

Philadelphia, Pennsylvania 19103

Re: Honeywell Farmers Valley Wax Plant
45 Route 446
Smethport, Pennsylvania 16749
EPA Identification No. PAD046761763
Comments on Proposed Statement of Basis

Dear Mr. Miller:

The purpose of this letter is to provide comments to the United States Environmental Protection Agency ("EPA") regarding a Statement of Basis that EPA has issued in connection with remedial activities that are being undertaken at a facility known as the Honeywell Farmers Valley Wax Plant located in Keating Township, McKean County, Pennsylvania (hereinafter the "Facility"). The Facility is situated just to the north of the Borough of Smethport. Industrial activities have taken place at the Facility since the 1920s. Historically, the activities included refining of crude oil. More recently, the Facility has been used to manufacture wax.

The comments presented herein are being submitted to EPA on behalf of International Waxes, Inc. ("IWI"). IWI leases the Facility from Honeywell International Inc. ("Honeywell") and manufactures various types of wax in the main operational area at the Facility. Pennzoil-Quaker State Company ("Pennzoil-Quaker State") is taking the lead role in investigating and remediating historical environmental conditions at the Facility pursuant to various contractual obligations and other legal requirements. Shell Oil Company ("Shell") owns Pennzoil-Quaker State. While the Statement of Basis was issued initially in August 2018, EPA extended the public comment period regarding the Statement of Basis until November 15, 2018. The purpose of the extension, among other things, was to provide time for Honeywell as the owner of the Facility and IWI as the operator of the Facility to provide comments regarding the content of the Statement of Basis.

1. Timing of the Selection of Corrective Measures by EPA

As described in the Statement of Basis, environmental conditions at the Facility are being addressed in accordance with the One Cleanup Program Memorandum of Agreement (“MOA”) that the Pennsylvania Department of Environmental Protection (“PADEP”) and EPA entered into in 2004. The MOA harmonizes cleanup requirements under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (commonly known as “Act 2”) and cleanup requirements pursuant to the corrective action program under the Resource Conservation and Recovery Act (“RCRA”). This process allows remediators to use the “tool box” available under Act 2 to address environmental conditions at facilities that are subject to the RCRA corrective action program with oversight from EPA so that both federal and state requirements can be met through a single set of cleanup actions.

In this particular case, the Facility is subject to the RCRA corrective action program. In general terms, the Facility has been divided into three discrete area for purposes of investigation and remediation activities. These areas are referred to as the Main Plant Area, the Area South of Cole Creek, and the Former Coal Ash Disposal Areas. Work in the Area South of Cole Creek and the Former Coal Ash Disposal Areas has largely been completed but work in the Main Plant Area remains ongoing. Investigation and remediation activities are proceeding pursuant to Act 2. PADEP is firmly ensconced in ensuring that requirements under Act 2 are being satisfied. EPA is likewise reviewing the environmental work that is occurring.

In light of these dynamics, it is unclear why EPA believes that it is necessary at this juncture to proceed with the Statement of Basis and select corrective measures for the entire Facility when the corrective measures may further evolve in the Main Plant Area. Given the status of the work in the Area South of Cole Creek and the Former Coal Ash Disposal Areas, the risks appear to be low that a remedy decision by EPA could be in conflict with the remedial outcomes for those areas under Act 2. By contrast, the risks of potential conflict appear to be far greater in the Main Plant Area.

In a letter dated September 14, 2018, PADEP identified various steps that remain to be taken before a final report can be submitted for the Main Plant Area demonstrating attainment of one or a combination of cleanup standards under Act 2. Once a final report has been prepared, submitted to PADEP and EPA for review, and approved by PADEP as meeting the requirements under Act 2, EPA can then make a remedy decision under the RCRA corrective action program that meshes with the outcome under Act 2. This approach is consistent with the manner in which remediation of the Area South of Cole Creek and the Former Coal Ash Disposal Areas are being handled. We therefore concur with PADEP’s request that a final decision by EPA regarding corrective measures for the Main Plant Area be deferred until a final report for the Main Plant Area has been approved under Act 2.

2. Inclusion of Remedial Activities being Undertaken by Honeywell

While Pennzoil-Quaker State is taking the lead in addressing many of the environmental conditions at the Facility caused by historic operations and activities, Honeywell is also

undertaking certain actions to address environmental conditions at the Facility. These conditions are associated with seven storage tanks regulated under the Pennsylvania Storage Tank and Spill Prevention Act (“STSPA”). While the provisions of the STSPA and the regulations thereunder set forth particular procedural steps that must be satisfied that are somewhat different than the steps under Act 2, the outcome is the same – namely, attainment of one or a combination of cleanup standards under Act 2. We believe that the work that Honeywell is performing should be incorporated into the universe of work that is recognized at the Site for purposes of the RCRA corrective action program so that all of the environmental work that is occurring is recognized. In this regard, we join in Honeywell’s request that EPA cover the work that Honeywell is performing as part of the actions falling under the umbrella of the Statement of Basis.

3. Responsibility for Activity and Use Limitations

The proposed final remedy for the Facility described in Section 5 of the Statement of Basis relies on various activity and use limitations such as maintaining covers over certain areas, monitoring of surface water, inspecting and maintaining the sheet pile wall and clay wall that exist as barriers to groundwater movement at the Facility, and developing and implementing a soil management plan. In this particular case, a complex series of contractual documents exist that place on Pennzoil-Quaker State (as the remediator of the Facility), Honeywell (as the owner of the Facility) and IWI (as the operator of the Facility) various duties and obligations. Moreover, the apportionment of responsibilities among the various parties is and will be addressed in the environmental covenant(s) for the Facility. Given this backdrop, we urge EPA to avoid assigning specific responsibilities to particular parties which could conflict with the allocation of responsibilities that already exist. We understand that one or more of the parties will need to shoulder the burdens associated with post-remediation activities but request that EPA allow the parties to manage those burdens consistent with the contractual framework that already exists.

4. Vapor Intrusion

In Section 4 of the Statement of Basis, EPA has set forth a corrective action object for vapor intrusion that is designed to prevent worker exposures to contaminants in indoor air above industrial risk-based levels (“RSLs”) for air inside occupied buildings within three particular areas at the Facility. While not expressly stated, we understand that this corrective action objective focuses on vapor intrusion from existing volatile organic compounds (“VOCs”) in soils and/or groundwater at the Facility. By contrast, such RSLs would not be applicable in circumstances where worker exposure to VOCs used in the workplace is regulated by the United States Occupational Safety and Health Administration (“OSHA”).

As the operator at the Facility, IWI is keenly aware of its obligations to provide a safe work environment consistent with OSHA’s requirements. EPA’s RSLs do not supplant OSHA standards for workplace exposure to VOCs where those VOCs are being used in the workplace environment. We therefore ask that EPA clarify the corrective action objective for vapor intrusion in the Statement of Basis to make clear that the corrective action objective does not impose on the operator of the Facility requirements that are more stringent than otherwise applicable requirements under OSHA’s regulatory framework for VOCs being used in the

Mr. Griff Miller
November 14, 2018
Page 4

workplace. We recognize that the lines of demarcation delineating the jurisdiction of EPA and OSHA over indoor air quality in the context of worker exposure has been the subject of considerable controversy. Whatever friction may exist at the edges of this issue, it appears well settled that if VOCs are being used in the workplace, OSHA rather than EPA sets the standards for worker exposure to those VOCs.

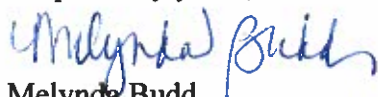
5. Conditions and Controls for Proposed Sewer Line Installation

Keating Township is proposing to construct a sewer line through significantly impacted portions of the Facility. As EPA is no doubt aware, such construction activities can exacerbate existing contamination. Disturbed soils must be properly managed. If dewatering is necessary, the extracted water must likewise be properly managed. Bedding material that is installed around sewer lines can also form preferential pathways for the migration of contaminants in groundwater and in vapor. In addition, sewer lines can leak, allowing wastewater to escape or contaminated groundwater to infiltrate. In short, the construction activities that Keating Township is proposing to undertake are fraught with risks.

From an environmental protection perspective, IWI believes that at an alternative route for the proposed sewer line is highly preferable to proceeding in the manner that Keating Township is proposing. If an alternative route is not used, IWI believes that it is imperative that EPA and PADEP impose stringent limitations on Keating Township and its contractors regarding both the manner in which the sewer line is constructed and the manner in which the sewer line is maintained over the long term so as to minimize the risks associated with the proposed sewer line.

On behalf of IWI, we very much appreciate the opportunity to provide the foregoing comments to EPA regarding the Statement of Basis for the Facility. Please let me know if EPA has questions regarding these comments or would like to further discuss the comments with representatives of IWI.

Respectfully yours,



Melynda Budd
Business Manager
International Waxes, Inc.

cc: Michael M. Meloy, Esquire
Mary Kay Gaver, Esquire